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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 9380 of 2005

Between:

1. The Govt. of A.P., rep., by Prl.Secretary to Government Health, . Medical and Family Welfare Development
   A.P.Secretariat, Hyderabad.
2. The Director, Institute of Preventive Medicine, Public Health . . Labs & Food (Health)
   Administration, Narayanaguda, Hyderabad.

..... PETITIONERS

AND

Shaik Ghouse Mohiddin, Food Inspector (Flying Squad)
o/o the Directorate of Institution of Preventive Medicine Public Health Labs & Food, Health Administration,
Narayanaguda, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction more particularly one in the nature of writ of certiorari calling for the records connected with order dt.20-1-2005 in O.A.No.171 of 2005 on the file of the Hon'ble A.P.A.T.Hyderabad and to quash the same as erroneous and contrary to law.

Counsel for the Petitioner:GP FOR SERVICES I

Counsel for the Respondent : MR. S.GOPAL RAO

The Court made the following :

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ORDER: (Per the Hon'ble Sri Justice G.Bikshapathy)

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This writ petition is filed assailing the interim order dated 20-1-2005 in O.A.No.171 of 2005 on the file of the A.P. Administrative Tribunal, Hyderabad.

2. The Tribunal observed in para 3 as follows:

> "*3. In this connection it is pointed out that once the name of the applicant has been included in the panel and the panel is still in operation, the applicant cannot be denied promotion to the next higher category. It is not the case of the learned GP that the name of the applicant was deleted from the panel. The argument of the learned GP that the applicant cannot be considered for promotion because of the pendency of the ACB case against him, is rather difficult to be accepted, inasmuch as the claim of the applicant was already considered by the DPC and he was placed in the panel. Hence, no further consideration is required except to operate the panel and promote the persons according to their placement in the said panel. Moreover, no rule has been brought to my notice under which the applicant could not be promoted even though he is in the panel on initiating ACB case. Therefore, in the facts and circumstances of the case, pending further consideration of the OA, the Respondents are directed to issue promotion orders to the applicant if he is already in the approved panel and the panel was in operation when the junior to the applicant was promoted.*"

3. The learned Government Pleader appearing on behalf of the petitioners submits when the application filed by the Department to vacate the interim orders is not yet disposed of, contempt proceedings were initiated. Therefore, the order is liable to be set aside.

4. After hearing the learned counsel for the respondent, we are not inclined to go into the merits of the case, inasmuch as it is suffice to direct the Tribunal to dispose of

Contempt Application No.166 of 2005, as well as O.A.No. 171 of 2005 along with VMA No 159 of 2005, as expeditiously as possible within a period of six weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition is disposed of. No order as to costs.

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G.Bikshapathy, J.

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P.S.Narayana, J.

26th April, 2005

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Govt. of A.P., rep., by Prl.Secretary to Government Health, . Medical and Family Welfare Development
   A.P.Secretariat, Hyderabad.
2. The Director, Institute of Preventive Medicine, Public Health . . Labs & Food (Health)
   Administration, Narayanaguda, Hyderabad.

3. 2 CCs to G.P. for Services-I, High Court Buildings, Hyderabad (OUT)

4. 2 CD copies

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

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